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Date: January 9, 2004 **AFTER FINAL**
To: Examiner Lavarias, Arnel C.
Art Unit: 2872
Fax No.: 703/872-9306
From: Stephen P. Burr
Subject: U.S. Application Ser. No. 09/976,462
Filed: October 12, 2001
Conf. No.: 9975
Title: FIBER ARRAY, METHOD FOR FABRICATING THE SAME AND
OPTICAL DEVICE USING THE FIBER ARRAY
Our Ref.: 939_030

You should receive 6 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following paper(s) is/are being facsimile transmitted to 703/872-9306 at the Patent and Trademark Office on January 9, 2004:

• Amendment Transmittal (in duplicate)	2 pages
• Request for Reconsideration	3 pages
• this facsimile cover sheet	1 page

Total Pages (including cover) 6


Gina M. Husak

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PATENT AMENDMENT TRANSMITTAL (Provisions of 37 CFR 1.136 Apply)			
Application Number	09/976,462	Filing Date	October 12, 2001
Group Art Unit	2872	Examiner Name	Lavarias, Arnel C.
Confirmation No.	9975	Attorney Docket No.	939_030
Inventor(s)	Akira MATSUMOTO, Masashi FUKUYAMA		
Invention:	FIBER ARRAY, METHOD FOR FABRICATING THE SAME AND OPTICAL DEVICE USING THE FIBER ARRAY		

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as follows:

CLAIMS AS AMENDED

(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid	(5) No. of Extra Claims Present	(6) Rate (Large Entity)	(7) Additional Fee
TOTAL CLAIMS	11	MINUS	20		\$18.00	\$00.00
INDEP. CLAIMS	2	MINUS	3		\$86.00	\$00.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$00.00

EXTENSION OF TERM


- ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
- ☐ This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:
- ☐ One Month (37 CFR 1.17(a)(1)) \$110.00
- ☐ Two Month (37 CFR 1.17(a)(2)) \$420.00
- ☐ Three Month (37 CFR 1.17(a)(3)) \$950.00

TOTAL FEES DUE

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount is reduced by one-half, and the resulting fee is:

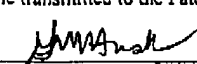
FEE PAYMENT

- ☒ No additional fee is required.
- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge Deposit Account 50-1446 in the amount of \$_____. Enclosed is a duplicate copy of this sheet.
- ☒ Please charge any fees which may be required, or credit any overpayment, to Deposit Account 50-1446.

Submitted By:					
Name (Print Type)	Stephen P. Burr	Reg. No.	32,970	Customer No.	025191
		Telephone	(315) 233-8300	Facsimile	(315) 233-8320
Signature				Date	January 9, 2004

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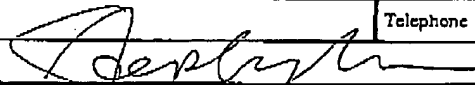
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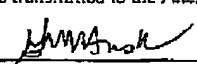
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Submitted By:

Name (Print Type)	Stephen P. Burr	Reg. No.	32,970	Customer No.	025191
		Telephone	(315) 233-8300	Facsimile	(315) 233-8320
Signature				Date	January 9, 2004

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 Gina M. Husak

Practitioner's Docket No.: 939_030

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Akira MATSUMOTO, Masashi FUKUYAMA

Ser. No.: 09/976,462

Group Art Unit: 2872

Filed: October 12, 2001

Examiner: Lavarias, Arnel C.

Confirmation No.: 9975

For: FIBER ARRAY, METHOD FOR FABRICATING THE SAME AND OPTICAL
DEVICE USING THE FIBER ARRAY

M.S. After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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January 9, 2004 at 703/872-9306.


Gina M. Husak

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed November 10, 2003, Applicants respectfully request reconsideration and withdrawal of the rejections of record based on the following arguments.

Examiner Lavarias is thanked for courtesies extended to Applicants' representative during a telephonic interview on January 8, 2004, the substance of which is incorporated below.

Applicants appreciate Examiner Lavarias indicating that claims 10 and 11 are allowed. In addition to allowed claims 10 and 11, Applicants respectfully submit that all claims pending herein are in condition for allowance for the reasons explained below.

1. Claims 1, 3, 5, 6, 8 and 9 were rejected under §102(b) over Seino. Applicants respectfully traverse this rejection.

Independent claim 1 recites a fiber array housing a stripped fiber in a V-groove of a V-grooved substrate comprising a fiber fixing substrate fixing the stripped fiber and a

peripheral adhesive disposed around the stripped fiber. An end face of the peripheral adhesive is recessed no more than 10 μm with respect to the end face of the fiber.

In the Office Action, Examiner Lavarias took the position that the end face of the epoxy-type adhesive of Seino is "flush" with the end face of the optical fiber, and asserted that the limitation of claim 1 reciting "an end face of said peripheral adhesive is recessed no more than 10 μm with respect to an end face of said fiber" includes the range from 0 to 10 μm (see Office Action, page 3, lines 3-6). Applicants respectfully disagree.

As explained during the telephonic interview, there is no express disclosure or even any suggestion in Seino that the end face of the adhesive 16 is actually flush with respect to the end face of the fiber after being cut (see Seino's Fig. 28D). In fact, Applicants respectfully submit that there is no way to determine the actual position of the peripheral adhesive 16 with respect to either the end faces of the fiber 1 or the end faces of the V-grooved substrates 14, 17.

In any event, however, claim 1 positively recites that the end face of the peripheral adhesive is recessed with respect to the end face of the fiber. As such, the recessed end face of the peripheral adhesive cannot, by definition, be flush with the end face of the fiber. Applicants respectfully submit that the language of claim 1 does not read on a range of 0 (flush) to 10 μm (recessed), as Examiner Lavarias suggested. Since something cannot be "flush" and "recessed" at the same time, Applicants respectfully submit that the end face of the peripheral adhesive is recessed a distance that is greater than 0 but less than 10 μm with respect to the end face of the fiber. During the telephonic interview, Examiner Lavarias tentatively agreed that, in view of the above, the fiber holder apparatus of Seino does not meet all of the limitations recited in claim 1.

For at least the foregoing reasons, Applicants respectfully submit that all claims pending herein define patentable subject matter over the art of record. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

2. Claim 7 was rejected under §103(a) over Seino in view of Hirai (EP '600). Applicants respectfully traverse this rejection.

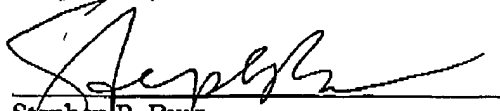
Applicants respectfully submit that the primary reference does not disclose or suggest each and every limitation of independent claim 1 for the reasons explained in section 2 above.

Since claim 7 depends directly from claim 1, Applicants respectfully submit that claim 7 likewise defines patentable subject matter over the art of record. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

If Examiner Lavarias believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,


Stephen P. Burr
Reg. No. 32,970

January 9, 2004

Date

SPB/NB/gmh

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